

RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Env-A 3500
1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: RSA 125-C:4 3. Federal Authority: 42 U.S.C. §7411(d); 42 U.S.C. §7429; 40 CFR 60, Subpart Ce 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment X	

5. Short Title: HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATION

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rule established emission standards for Hospital/Medical/Infectious Waste Incinerators (HMIWI) as required by U.S. EPA under the provisions of the Clean Air Act. The rule established emission limits for the following pollutants: particulate matter, carbon monoxide, sulfur dioxide, nitrogen oxides, lead, dioxins/furans, hydrogen chloride, cadmium, and mercury. In addition, the rule established requirements for operator training, performance and compliance testing, monitoring, and recordkeeping and reporting. The effect of the initial rule when adopted in 1999 was to induce a number of hospitals around the state to shut down their medical waste incinerators and contract out the collection and disposal of medical waste. The rule will expire January 30, 2007 if not readopted. The proposed amendments are editorial in nature.

6. (b) Brief description of the groups affected:

Only one facility, Weeks Medical Center in Lancaster, will remain subject to the readopted rule.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State and Federal Statutes Implemented
Env-A 3500 as a whole (see also specific parts listed below)	N.H. RSA 125-C:4; N.H. RSA 125-C:6; N.H. RSA 125-C:11; 42 U.S.C. §7411(d) [CAA §111(d)]; 42 U.S.C. §7429 [CAA §129]
Rule Section(s)	Federal Regulation Implemented
Env-A 3502	40 CFR 60.32e, Subpart Ce
Env-A 3503	40 CFR 60.31e, Subpart Ce
Env-A 3505	40 CFR 60.33e, Subpart Ce, Table 1 and Table 2
Env-A 3506	40 CFR 60.34e, Subpart Ce
Env-A 3509	40 CFR 60.35e, Subpart Ce
Env-A 3510	40 CFR 60.36e, Subpart Ce
Env-A 3511 and Env-A 3512	40 CFR 60.37e, Subpart Ce
Env-A 3513	40 CFR 60.38e, Subpart Ce
Env-A 3514	40 CFR 60.32e(i), Subpart Ce

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

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The rules also can be viewed in PDF at TTY/TDD Access: Relay NH 1-800-735-2964 or
<http://www.des.nh.gov/Rulemaking/> dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, November 3, 2006 at 4:00 p.m.**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, October 24, 2006 at 2:00 p.m.**

Place: **Rm 213, 2nd floor DES Offices, 29 Hazen Drive, Concord, NH 03302**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 06:161 , dated 9/22/06

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not have any costs, as facilities will have to meet the standards reflected in these rules under federal law (42 U.S.C. §7411(d) and 42 U.S.C. §7429 of the Clean Air Act) regardless of whether New Hampshire adopts them. Thus, the rules do not impose any new, expanded or modified costs on political subdivisions of the state and so do not violate Part I, Article 28-a of the New Hampshire Constitution.